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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/662,931

09/16/2003

Michael Curtiss

0026-0038

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EXAMINER

PARDO, THUY N

ART UNIT

PAPER NUMBER

2168

MAIL DATE

DELIVERY MODE

12/08/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/662,931	Applicant(s) CURTISS ET AL.	
	Examiner Thuy N. Pardo	Art Unit 2168	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 01 February 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: 13-20,23-25,35,36,39,40,42 and 43.
 Claim(s) rejected: 1-3,5-12,21,22,26-29,31-34,37,38 and 41.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
 13. ☐ Other: _____.

/Thuy N. Pardo/
 Primary Examiner, Art Unit 2168

Continuation of 11. does NOT place the application in condition for allowance because: 1. Applicant's arguments filed on December 01, 2008 have been fully considered but they are not persuasive. Examiner respectfully disagrees. Examiner is entitled to give claim limitations their broadest reasonable interpretation consistent with the Specification. Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. See *In re prater*, 162 USPQ 541, 550-51 (CCPA 1969). For example, the claim 1 requires that the source rank value being based at least in part on one or more of ...such as: a number of articles produced by the identified source during a first time period, ..., and a writing style used by the identified source. In this case, the Ford and Doganata references only need to teach only one of the limitations required above for the source rank value which would meet the requirement for that limitation. Ford teaches top search results for "Mark Twain" from different sources based on the popularity levels of items that satisfy the query [see the abstract of Ford; 147 of fig. 1; fig. 3-4]. Doganata enhances Ford's system by providing automatically selecting information sources based on ranked lists of information sources [see the abstract of Doganata; fig. 5, 6; 0061-0063]. Furthermore, when Applicant's claimed invention claimed that "the source rank value being based at least on part on one or more of ...etc", (emphasis is added), that means at least only one of those limitations (i.e., network traffic to the identified source) is required to meet that limitation. In this case, Ford teaches the popularity levels (i.e., numbers of retrieving articles in a period of time or network traffic to the identified source) [see the abstract], and weighting applied to each term of a multiple term query is inversely related to the term's frequency of appearance in the database, [0033]. Furthermore, Doganata also teaches ranking information sources based on source score [fig. 5; 0068-0069]. Applicant argues that neither Ford nor Doganata teaches the links that include links to on-line news articles. As to this point, Examiner respectfully disagrees. Examiner believes that Ford teaches this feature. Ford teaches a hypertext link to additional web pages containing, among other things, product information about the item [0041; 0069; 0099].